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 SIGNATURE PAGE

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHANEE THURSTON and LAWRENCE G.
 KNOWLES, III, on behalf of themselves and
 all others similarly situated,

Plaintiffs,
 vs.

BEAR NAKED, INC.,

Defendant.

No. CV 11-4678-RS

**STIPULATION AND ~~PROPOSED~~
 ORDER TO TRANSFER VENUE**

Judge: Hon. Richard Seeborg

Action Filed: September 21, 2011

1 Plaintiffs Chanee Thurston and Lawrence G. Knowles, III, and Defendant Bear Naked, Inc.,
2 enter into this stipulation requesting this Court to transfer this action to the Southern District of
3 California and agreeing that the briefing and discovery schedule for this case should be coordinated
4 and consistent with that in *Bates v. Kashi Company*, No. 11-1967 (S.D. Cal.). In entering into this
5 stipulation, the parties state that:

6 1. On September 21, 2011, Plaintiffs filed the Complaint in this action. Plaintiffs
7 simultaneously filed a Notice of Related Cases, identifying *Sethavanish v. Kashi Company*, N.D.
8 Cal. Case No. 4:11-cv-04453-CW. At that time, a case substantially similar to *Sethavanish*, titled
9 *Bates v. Kashi Company*, No. 11-1967 (S.D. Cal.), was already pending in the Southern District of
10 California before the Honorable Marilyn L. Huff. All three cases, including this action, involve
11 allegations regarding “all natural” food labels. The deadline to respond to or answer the complaint
12 in this action is January 4, 2012.

13 2. On October 12, 2011, the *Sethavanish* plaintiffs voluntarily dismissed their lawsuit in
14 the Northern District of California and re-filed their complaint in the Southern District of California,
15 where the case was assigned to Judge Huff.

16 3. On November 10, 2011, Defendant filed a Motion to Transfer this case to the
17 Southern District of California, stating that there are six substantially similar “all natural” *Kashi*
18 cases, including *Bates* and *Sethavanish*, pending in that District. In the time since Defendant filed its
19 Motion to Transfer, all six *Kashi* cases have been transferred to Judge Huff and have been
20 consolidated, with the *Bates v. Kashi Company* designated as the lead case.

21 4. On November 23, 2011, the parties filed a Stipulation to Continue the Briefing and
22 Hearing Schedule on Defendant’s Motion to Transfer, indicating their intent to resolve Defendant’s
23 motion without court intervention. The Court granted the extension that same day.

24 5. The parties agree that this case should not be consolidated with the *Kashi* cases since
25 they involve different defendant entities and different product lines. Neither party will seek
26 consolidation of this case with the *Kashi* cases.

27 6. Because Defendant Bear Naked is a subsidiary of Kashi, the parties believe that to
28 some extent coordination (as opposed to consolidation) of this case with the consolidated “all

1 natural” *Kashi* cases could save judicial and party resources. Accordingly, the parties request that
2 this case be transferred to Judge Huff in the Southern District of California and stipulate that the
3 briefing and discovery schedule be coordinated and consistent with that in *Bates v. Kashi Company*.
4 The parties agree that the deadline to answer or otherwise respond to the complaint be continued
5 from January 4, 2012 to March 4, 2012 to provide the Southern District of California an opportunity
6 to coordinate the briefing and discovery schedule.

7 7. Plaintiff reserves the right to seek transfer back to the Northern District of California
8 if, after transfer to the Southern District of California, this case is not assigned to the same judge as
9 or coordinated with the *Kashi* cases as set forth by this Stipulation. Defendant reserves its right to
10 oppose any motion to transfer back to the Northern District of California.

11 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the
12 Court’s approval, that this case shall be transferred to Judge Huff in the Southern District of
13 California, for purposes of coordination with *Bates v. Kashi Company*, No. 11-1967 (S.D. Cal.).
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1 Dated: December 12, 2011

Dated: December 12, 2011

2 JENNER & BLOCK LLP

STEMBER FEINSTEIN
DOYLE & PAYNE, LLC

3 /s Kenneth K. Lee

4 By: Kenneth K. Lee

/s Joseph N. Kravec, Jr.

By: Joseph N. Kravec, Jr.

5 Attorneys for Defendant

Attorneys for Plaintiffs

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21 ~~[PROPOSED]~~ ORDER

22 PURSUANT TO STIPULATION AND 28 U.S.C. 1404(a), IT IS ORDERED that this action be
23 transferred to the Southern District of California and that the deadline to answer or otherwise
24 respond to the complaint is continued from January 4, 2012 to March 4, 2012.

25 DATED: December 12, 2011

26 

27 The Honorable Richard Seeborg

28 U.S. District Court Judge